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Approved For Release 2001/08/25 : CIA-RDP77M00144R000800040006-7

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Senate Bill 2008, "Criminal Justice Information Control and Protection of Privacy Act of 1975"

FROM: *W* Robert W. Gambino
Director of Security
4E 60, Headquarters

EXTENSION

NO.

x6777

DATE

10 OCT 1975

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Deputy Director
for Administration
7D 26, Hqs.

10 OCT 1975

W

2.

3. Office of
Legislative Counsel
7D 49, Hqs.

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Attn: [REDACTED]

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MEMORANDUM FOR: Office of Legislative Counsel

ATTENTION : [REDACTED]

THROUGH : Deputy Director for Administration *[initials]*

SUBJECT : Senate Bill 2008, "Criminal Justice
Information Control and Protection
of Privacy Act of 1975"

REFERENCE : Verbal Request from OLC for comments
on subject bill, dated 7 October 1975

1. Pursuant to your verbal request of 7 October 1975, the Office of Security has reviewed Senate Bill 2008. Particular attention was given to determine whether it gives the Office of Security sufficient access to criminal justice information to satisfy requirements relative to background investigations and special inquiries for operational purposes.

2. Subsection (d) of Section 204 directs itself to provide the Central Intelligence Agency with the legal means to conduct investigations relative to criminal information in compliance with Executive Orders 10450 and 11652 and the Headquarters Regulations which implement these Orders. There are, however, flaws inherent to the provisions of this section which effectively negate its purpose.

3. The reporting procedure established in Subsection (d) prescribes no requirement for identification of the subject of each inquiry. However, it does require a report to Congress for each inquiry which must show, "the nature and extent of information requested and received." In considering this requirement relative to checks made at the Federal Bureau of Investigation (a mandatory requirement of Executive Order 10450), it would mean that this Agency would send Congress twenty-four thousand reports each year relative to receiving information from this one Criminal Justice Agency.

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4. A further requirement under Subsection (d) would call for an internal mechanism to review each security investigation upon its conclusion and to remove and destroy all information in the investigative file received from a Criminal Justice Agency. Even when this is done, the individual case file could very well contain a security appraisal of the case. If criminal justice information had been a factor in the security appraisal/determination, there would be reference to it. In effect, the raw information would be destroyed, but the conclusions derived from it would remain.

5. Both of the above requirements would levy a new and heavy burden upon this Agency. They can be implemented, but as written, they would only establish costly bureaucratic procedures that did not satisfy their intended purposes.

6. There are several other facets of Section 204 that were probably not considered by the Senate Subcommittee addressing the control of criminal justice information. Outside of National Agency Checks, very few police checks are solicited via CIA credentials. The greater majority of checks are done under the aegis of another Federal Agency and therefore the information obtained would be limited under the provisions of Section 204 (b) and (c) which prescribes that the release of arrest information is limited to a time period of twelve months prior to the date of the request - far short of the fifteen year requirement now in effect.

7. Subsection (c), in requiring that an individual be put on notice when an investigation is to be conducted, is tantamount to precluding a check of any criminal justice agency, state or federal, in the case of an individual who for operational reasons:

a. will be told of CIA/U.S. Government interest only when fully cleared; or

b. will never be told of CIA interest.

These are not unique circumstances. There are many cases requiring security investigations which precisely involve prohibitions relative to making the subject aware that he is of interest to this Agency.


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8. In view of the foregoing, it is recommended that the Office of Legislative Counsel request the Senate Subcommittee investigating the control of criminal justice information to re-examine the requirements of Section 204 (d) to insure that its implementation does not result in a costly bureaucratic procedure that does not satisfy its intended purpose.

9. It is also recommended that the Office of Legislative Counsel request the Subcommittee to provide a specific exemption to allow the CIA to gain access to criminal justice information without giving notice to the subject of the investigation. This exemption could be effected by the inclusion of a paragraph in Section 204 (d) that would allow the Director of Central Intelligence to solicit criminal justice information and criminal justice investigative information without making a notification to the subject of the investigation if such a revelation would be contradictory to "proper foreign intelligence purposes."

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Robert W. Gambino
Director of Security

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